

## DECLARATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or the below named inventors are the original, first and joint inventors (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled HIV-3 RETROVIRUS AND ITS USE, the specification of which:

☒ is attached hereto.

☒ was filed on 2/9/90 as Application Serial No. 460,913.

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

## PRIOR FOREIGN APPLICATION(S)

Priority  
Claimed

<u>88 109 200.1</u>	<u>Europe</u>	<u>6/9/88</u>
(Number)	(Country)	(Date Filed)

☒ Yes/No

_____ (Number)	_____ (Country)	_____ (Date Filed)
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Yes/No

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, § 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, § 1.56(a), regarding events which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>PCT/EP 89/00643</u>	<u>June 8, 1989</u>	<u>Pending</u>
(Application Serial No.)	(Filing Date)	(Status)

I hereby direct that all correspondence and telephone calls be addressed to Sydney Leach, Arnold, White & Durkee, P.O. Box 4433, Houston, Texas 77210, (713) 787-1400.

I hereby declare that all statements made of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001

of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Inventor's Full Name: Robert De Leys  
(First) (Initial) (Last)


Inventor's Signature: 

Date: 5 Jan 1990 Country of Citizenship: Belgium

Residence Address: Diepekanten 20, 1860 Grimbergen, Belgium  
(Include number, street name, city, state, and country)

Post Office Address: \_\_\_\_\_  
(If different from Residence Address)

Inventor's Full Name: Bart Vanderborcht  
(First) (Initial) (Last)

Inventor's Signature: 

Date: 23 01 1990 Country of Citizenship: Belgium

Residence Address: Kraaibossen 24, 2440 Geel, Belgium  
(Include number, street name, city, state, and country)

Post Office Address: \_\_\_\_\_  
(If different from Residence Address)

Inventor's Full Name: Eric Saman  
(First) (Initial) (Last)

Inventor's Signature: 

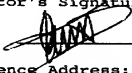
Date: 15-01-1990 Country of Citizenship: Belgium

Residence Address: Nachtegalenlaan 12, 2680 St. Niklaas, Belgium  
(Include number, street name, city, state, and country)

Post Office Address: \_\_\_\_\_  
(If different from Residence Address)

Inventor's Full Name: Hugo Van Heuverswyn  
(First) (Initial) (Last)

Inventor's Signature: \_\_\_\_\_

Date:  12.01.90 Country of Citizenship: Belgium

Residence Address: Colmanstraat 62, 9280 Laarne, Belgium  
(Include number, street name, city, state, and country)

Post Office Address: \_\_\_\_\_  
(If different from Residence Address)

## A S S I G N M E N T

FOR GOOD AND VALUABLE CONSIDERATION, the receipt, sufficiency and adequacy of which are hereby acknowledged, the undersigned, do hereby:

SELL, ASSIGN AND TRANSFER to INNOGENETICS N.V. (the "Assignee"), a corporation of Belgium having a place of business at Industriepark Zwijnaarde 7, Box 7, 9710 Ghent, Belgium, the entire right, title and interest for the United States and all foreign countries in and to any and all improvements which are disclosed in the application for United States Letters Patent, which has been executed by the undersigned concurrently herewith and is entitled HIV-3 RETROVIRUS AND ITS USE, such application and all divisional, continuing, substitute, renewal, reissue and all other applications for patent which have been or shall be filed in the United States and all foreign countries on any of such improvements; all original and reissued patents which have been or shall be issued in the United States and all foreign countries on such improvements; and specifically including the right to file foreign applications under the provisions of any convention or treaty and claim priority based on such application in the United States;

AUTHORIZE AND REQUEST the issuing authority to issue any and all United States and foreign patents granted on such improvements to the Assignee;

WARRANT AND COVENANT that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been or will be made to others by the undersigned, and that the full right to convey the same as herein expressed is possessed by the undersigned;

COVENANT, when requested and at the expense of the Assignee, to carry out in good faith the intent and purpose of this assignment, the undersigned will execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications on any and all such improvements; execute all rightful oaths, declarations, assignments, powers of attorney and other papers; communicate to the Assignee all facts known to the undersigned relating to such improvements and the history thereof; and generally do everything possible which the Assignee shall consider desirable for vesting title to such improvements in the Assignee, and for securing, maintaining and enforcing proper patent protection for such improvements;

TO BE BINDING on the heirs, assigns, representatives and successors of the undersigned and extend to the successors, assigns and nominees of the Assignee.

(Signature) Robert De Lays  
Name: Robert De Lays

Date 5 JAN 1990

(Signature) Bart Vanderborght  
Name: Bart Vanderborght

Date 23 Oct 1990

(Signature) Eric Saman  
Name: Eric Saman

Date 15-21-1990

(Signature) Hug Van Heuverswyn  
Name: Hug Van Heuverswyn

Date 12 Oct 90

STATE OF \_\_\_\_\_ \$

RECORDED  
PATENT AND TRADEMARK  
OFFICE

COUNTY OF \_\_\_\_\_ \$

MAR 23 1990

BEFORE ME, the undersigned authority, on this \_\_\_\_\_ day of \_\_\_\_\_, 1990, personally appeared \_\_\_\_\_, known to me to be the persons whose names are subscribed to the foregoing instrument and acknowledged to me that they executed the same of their own free will for the purposes and consideration therein expressed.

\*Serial No. 460,913; filed 2/9/90  
[SEAL]

Notary or Consular Officer

ARNOLD, WHITE & DURKEE

P. O. Box 4433  
Houston, Texas 77210

2001 Jefferson Davis Highway, Suite 808  
Arlington, Virginia 22202

HR5459 INNO54

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

ROBERT DE LAYS  
BART VANDERBORGHT  
ERIC SAMAN  
HUGO VAN HEUVERSWYN

Group Art Unit:

Examiner:

Serial No.: 08/228,519

Filed: April 15, 1994

Attorney Docket: BARP022/KAM

For: HIV-3 RETROVIRUS AND ITS USE

ELECTION UNDER 37 C.F.R. §§ 3.71 and 3.73  
AND POWER OF ATTORNEY

Honorable Commissioner of Patents  
and Trademarks  
Washington, D.C. 20231

Sir:

The undersigned, being Assignee of the entire interest in the above-identified application by virtue of an Assignment recorded in the United States Patent and Trademark Office as set forth below, hereby elects, under 37 C.F.R. § 3.71, to prosecute the application to the exclusion of the inventors.

The Assignee hereby revokes any previous Powers of Attorney and appoints: Patricia A. Kammerer, Reg. No. 29,775; D. C. Toedt, Reg. No. 31,144 and Melinda L. Patterson, Reg. No. 33,062, each an attorney with the law firm of ARNOLD, WHITE & DURKEE, as its attorney so long as they remain with such law firm, with full power of substitution and revocation, to prosecute the application, to make alterations and amendments therein, to transact all business in the Patent and Trademark Office in connection therewith, to receive any Letters Patent, and for one year after issuance of such Letters Patent to file any request for a certificate of correction that may be deemed appropriate.

Pursuant to 37 C.F.R. § 3.73, the undersigned has reviewed the evidentiary documents, specifically the Assignment to INNOGENETICS N.V., previously recorded on March 23, 1990 at Reel 5459, Frame 054, and certifies that to the best of my knowledge and belief, title remains in the name of the Assignee.

Please direct all communications as follows:

Patricia A. Kammerer  
ARNOLD, WHITE & DURKEE  
P. O. Box 4433  
Houston, Texas 77210-4433  
(713) 787-1438

ASSIGNEE: INNOGENETICS N.V.

By: 

Name:

H. Van Heuverswyn

Title:

Managing Director

Date: 16 05 94